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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**
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6 BRIAN HEBERT,

7 Plaintiff,

8 v.
9

10 LITIGATION DOCUMENT GROUP,
INC., *et al.*,

11 Defendants.
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Case No. 2:17-CV-01536-KJD-CWH

ORDER

13 Presently before the Court is Plaintiff's Motions for Entry of Clerk's Default (#11/17).
14 Defendants' answers were due no later than September 7, 2017. Defendants filed their answer on
15 September 11, 2017. Essentially, Plaintiff seeks default based on a one business day delay in filing
16 the answer. The Court construes Defendants' answer as a simultaneous motion to extend the time to
17 file the answer. Lack of prejudice being found, the motion to extend is granted. Having to litigate the
18 case on the merits can never be construed as prejudice. Further, the Court heavily weighs the public
19 interest in cases being resolved on the merits in favor of extension and against default.

20 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motions for Entry of Clerk's
21 Default (#11/17) are **DENIED**.

22 DATED this 26th day of September 2017.
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25 _____
26 Kent J. Dawson
United States District Judge